

James Madison to Thomas Jefferson, November 18, 1781. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO THOMAS JEFFERSON.¹

1 From the Madison papers (1840).

Philadelphia, November 18, 1781.

Dear Sir, —By the conveyance through which you will receive this, the Delegates have communicated to the State the proceedings in Congress to which the territorial cessions have given birth. The complexion of them will, I suppose, be somewhat unexpected, and produce no small irritation. They clearly speak the hostile machinations of some of the States against our territorial claims, and afford suspicions that the predominant temper of Congress may coincide with them. It is proper to recollect, however, that the report of the Committee having not yet been taken into consideration, no certain inference can be drawn as to its issue; and that the report itself is not founded on the obnoxious doctrine of an inherent right in the United States to the territory in question, but on the expediency of clothing them with the title of New York, which is supposed to be maintainable against all others. It is proper also to be considered, that the proceedings of the Committee, which we labored in vain to arrest, were vindicated not by the pretext of a jurisdiction belonging to Congress in such cases, but alleged to have been made necessary by the conditions annexed to the cession of Virginia. Although the cession of Virginia will probably be rejected, on the whole, I do not think it probable that all the principles and positions contained in the report of the Committee will be ratified. The Committee was composed of

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a member from Maryland, Pennsylvania, New Jersey, Rhode Island and New Hampshire; all of which States, except the last, are systematically and notoriously

adverse to the claims of Western Territory, and particularly those of Virginia. The opinion of the Committee is therefore no just index of the opinion of Congress; and it is a rule observed since the Confederation was completed, that seven States are requisite in any question, and there are seldom more than seven, eight, nine or ten States present; even the opinion of a majority of Congress is a very different thing from a constitutional vote. I mention these particulars, that you may be the better able to counteract any intemperate measures that may be urged in the Legislature. If the State wishes any particular steps to be pursued by the Delegates, it would be well for particular instructions to that effect to be given. These will not only be a guide to us, but will give greater weight to whatever is urged by us.

I enclose you a paper containing two of the many letters lately published in New York, with the subscription of Mr. Deane's name. The genuineness of some of them, and particularly that to Mr. Morris, is generally doubted. There are some who think the whole of them spurious. However this may be, there is, through another channel, indubitable proof that no injustice is done in ascribing to him the sentiments advanced in these letters. Either from pique, interested projects of trade, or a traitorous correspondence with the enemy, he has certainly apostatized from his first principles.